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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,415

04/10/2006

Emmanouel C. Marinos

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

11/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,415	<b>Applicant(s)</b> MARINOS, EMMANOUEL C.	
	<b>Examiner</b> Brenda A. Lamb	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/10/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "said two adjustment pieces" in claims 4 and 7-8 lack proper antecedent basis. The term "said adjustment pieces" in claim 6 lacks proper antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al 5,249,547.

Takeda et al teaches a device for pasting wall paper which is comprised of the following elements: a main body member define by side walls 20, bottom wall 5; a vertical member 7 for containing adhesive, the first vertical member is

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disposed within the main body member, a second vertical member 3 for containing adhesive, the second vertical member is disposed within the main body member. With respect to claim 5, Takeda et al teaches a work bench 15 is disposed underneath the main body member.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al 5,249,347.

Takeda et al is applied for the reasons noted above. Takeda et al fails to teach the main body member is configured to manufactured in three different sizes. However, it would have been obvious to optimize the Takeda et al size of the Takeda et al main body member dependent on end use requirements of the user.

Claims 2-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al 5,249,347 in view of Houston.

Takeda et al is applied for the reasons noted above. Takeda et al fails to teach a counter in communication with the main body member. However, it would have been obvious to modify the Takeda et al apparatus by arranging a counter or length counter between the roll of wallpaper and end wall of the sizing tank such as shown by Houston for the obvious advantage of being able to measure the amount of wall paper being dispensed (see Houston elements 56,58 and 60). With respect to claim 3, Takeda et al fails teach two adjustment pieces in communication with the first vertical member. However, it would have been obvious to modify the Takeda et al apparatus by providing at least two adjustment pieces in communication with the first vertical member (elements 7,9)

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since Houston shows at least two adjustment pieces in communication with the first vertical member or wall in order serve as a means to adjust the final amount of size applied onto the wallpaper for the obvious advantage of greater control of the amount and distribution of paste on the wallpaper (see Houston adjustments pieces includes elements 42). With respect to claim 4, the at least two adjustment pieces in the first vertical member in the modified Takeda et al apparatus is in fluid communication via adhesive 12 with the second vertical member 3. With respect to claim 6, it would have been obvious in the modified Takeda et al apparatus that the at least two adjustment pieces in the first vertical member would prevent adhesive backward flow since Takeda et al teaches that the port 8 formed between the first vertical wall and cushion 23 is sealed thereby obviously preventing backward flow of the adhesive from outside the port 8 to the main body member. With respect to claim 7, it would have been obvious in the modified Takeda et al apparatus that the at least two adjustment pieces in the first vertical member are configured to accommodate different thickness of wall paper since Houston teaches that its adjustment pieces adjust the gap or opening 8 between cushion 23 and cutter 9 thereby enabling one to accommodate for different thicknesses of wall paper.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al 5,249,347 in view of Mutter.

Takeda et al is applied for the reasons noted above. Takeda et al teaches the adjustment pieces for the first vertical member includes knobs that enable the user to adjust the height of the first vertical but fails to teach the each of the

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adjustment pieces have a knob to enable the user to adjust height of the second vertical member. However, Mutter teaches the design of a coating apparatus which includes a reservoir of fluid defined by a first and second vertical member. The height of first and second Mutter vertical member is adjustable to admit the travel of the substrate through the reservoir. Mutter teaches the height of first vertical member is adjustable via knobs 21 which are adjusted by the user. Therefore it would have been obvious in the modified Takeda et al to also provide the second vertical member with user adjustable knobs such as shown by Mutter since Mutter teaches that the height of both its first and second vertical member is adjustable to admit the travel of the substrate through the reservoir and provide the second vertical member with same adjustment means, an adjustment piece with user adjustable knob, for the obvious reason of greater control of the coating process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb  
Primary Examiner  
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792